

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
VICTORIA DIVISION

HEARTBRAND BEEF, INC.	§	
	§	
Plaintiff,	§	
	§	
vs.	§	Civil Action No. 6:08-cv-00062
	§	
LOBEL'S OF NEW YORK, LLC,	§	
WORLDWIDE MEDIA, INC. THOUGHT	§	
CONVERGENCE, INC. and YAHOO! INC.	§	
Defendants.	§	

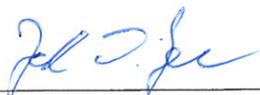
**JOINT MOTION TO DISMISS**  
**DEFENDANT, THOUGHT CONVERGENCE, INC. WITH PREJUDICE**

Plaintiff, Heartbrand Beef, Inc. (“Heartbrand”) and Defendant, Thought Convergence, Inc. (“Thought Convergence”) hereby jointly file this “Joint Motion to Dismiss Defendant, Thought Convergence, Inc. With Prejudice”, and jointly state the following:

1. Heartbrand and Thought Convergence have resolved the differences and disputes between them with regard to the above-styled and numbered cause.
2. The resolution of the differences between Heartbrand and Thought Convergence are memorialized in a Confidential Settlement Agreement.
3. Pursuant to the terms of the Confidential Settlement Agreement, Heartbrand and Thought Convergence jointly move the Court to dismiss Thought Convergence from this lawsuit with prejudice.

WHEREFORE, PREMISES CONSIDERED, Plaintiff, Heartbrand Beef, Inc. and Defendant, Thought Convergence, Inc. pray that this Court dismiss Defendant Thought Convergence, Inc. with prejudice, from this lawsuit.

Respectfully submitted,

By: 

Ted D. Lee  
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COUNSEL FOR PLAINTIFF  
HEARTBRAND BEEF, INC.

By: 

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San Francisco, CA 94105  
COUNSEL FOR DEFENDANT  
THOUGHT CONVERGENCE, INC.

**CERTIFICATE OF SERVICE**

I hereby certify that on the 11 day of November, 2008, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Annalyn G. Smith  
Bracewell & Giuliani, LLP  
106 S. St. Mary's Street, Suite 800  
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**Defendant Yahoo! Inc.**

David S. Fleming  
Howard S. Michael  
Brinks Hofer Gilson & Lione  
455 N. City Front Plz. Dr.  
Chicago, IL 60611

**Defendant Yahoo! Inc.**

Randolph Wolfe  
Foley & Lardner LLP  
100 North Tampa Street  
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**Defendant Thought Convergence, Inc.**

Gregg S. Baker  
New York State Bar No. 2223196  
Corrigan & Baker, LLC  
1311 Mamaroneck Avenue, Suite 215  
White Plains, New York 10605

**Defendant Lobel's Of New York, LLC**

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**Defendant Worldwide Media, Inc.**

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/s/ Ted D. Lee